

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 12/29/2022
DATE FILED: 12/29/2022

PHILIP LEIB-PODRY,

Plaintiff,

-against-

GEOFFREY TOBIAS; PRINCETON
INSURANCE COMPANY; MEDPRO GROUP;
BERKSHIRE HATHAWAY,

Defendants.

22-CV-8614 (VEC)

ORDER OF SERVICE

VALERIE CAPRONI, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendants violated his rights. The Court construes the complaint as invoking the Court's diversity of citizenship jurisdiction and asserting claims under state law. By order dated October 12, 2022, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summonses be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

To allow Plaintiff to effect service on Defendants Geoffrey Tobias, Princeton Insurance Company, MedPro Group, and Berkshire Hathaway through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is further instructed to issue summonses; complete the USM-285 forms with the addresses for Geoffrey Tobias, Princeton Insurance Company, MedPro Group, and Berkshire Hathaway; and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: December 29, 2022
New York, New York



VALERIE CAPRONI
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Geoffrey Tobias
140 Sylvan Avenue, Unit 305
Englewood Cliffs, NJ 07632
2. Princeton Insurance Company
746 Alexander Road
Princeton, NJ 08540
3. MedPro Group
5814 Reed Road
Fort Wayne, IN 46835
4. Berkshire Hathaway
3555 Farnam Street
Omaha, NE 68131